

REMARKS**Claim Summary**

Claim 6 is amended to recite "a locking function for the latch." These changes are based at least on FIG. 2 and the accompanying description on page 4, line 16, of the specification as filed. Thus, no new matter is added.

Claim 20 has been newly added. Support for the new claim can be found at least on page 4, lines 16 - 18, of the specification as filed. Thus, no new matter is added.

No amendment made is related to the statutory requirements of patentability unless expressly stated herein. No amendment is made for the purpose of narrowing the scope of any claim, unless Applicant had argued herein that such amendment is made to distinguish over a particular reference or combination of references. Any remarks made herein with respect to a given claim or amendment is intended only in the context of that specific claim or amendment, and should not be applied to other claims, amendments, or aspects of Applicant's invention.

Rejection of Claims 1, 2, 4-9 under 35 U.S.C. § 102(b) as being anticipated by US PAT. NO. 5480115 (Haltof).

Applicant respectfully traverses in part and amends in part. Applicant has amended the claims to clarify the invention. Applicant therefore respectfully requests reconsideration of the rejection of claims 1, 2, 4-9 under 35 U.S.C. § 102(b) as being clearly anticipated by Haltof.

MPEP § 2131 provides: "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Applicant respectfully submits that Haltof does not anticipate, either expressly or inherently, each and every element as set forth in independent claim 1. Specifically,

independent claim 1 requires “a latch detachable from the body” which is not anticipated either expressly or inherently, in Haltof.

Haltof is directed to “[a] bracket holding an instrument in a latched position is hand releasable by a single hand gripping the sides of the instrument while moving a finger engageable surface to release a latch that is pivoted on the bracket.” Haltof’s Abstract. Also, Haltof on col. 2, lines 33 – 36 states that “[l]atch 20 has a latch element or catch 25 that hooks or interlocks with recess 51 in instrument 50” (i.e. an electronic device). Therefore, it clearly states that Haltof’s “latch” is detachable from the electronic device and not from the body (i.e. Haltof’s Bracket **10**). As such, Haltof does not describe a latch which is detachable from the body.

Moreover, Haltof’s “Latch” is attached to the body (i.e. Haltof’s Bracket **10**) using a resilient leaf spring **24**. Haltof FIGS. 2 – 4, col. 2, lines 52 – 52.

Therefore, Haltof does not disclose “a latch detachable from the body” as required by independent claim 1. In contrast, Haltof describes a latch that detaches from the recess of the instrument (i.e. electronic device) and not to a body (i.e. Haltof’s Bracket).

Further, Applicant respectfully submits that Haltof does not anticipate, either expressly or inherently, each and every element as set forth in dependent claim 6. Dependent claim 6 requires the further limitation of “... a retention catch latch, wherein the retention catch latch provides a locking function for the latch.” As stated in claim 6, the retention latch catch provides a locking function between the body (i.e. Haltof’s Bracket) and the latch, and not between latch and the electronic device (i.e. Haltof’s instrument).

In view of the foregoing, Applicant respectfully submits that Haltof does not disclose a latch which is detachable from the body. Applicant therefore submits that independent claim 1 is not anticipated by Haltof, and therefore that the rejection of independent claim 1 under 35 USC 102(b) is improper and should be withdrawn. Applicant requests that claim 1 may now be passed to allowance.

Dependent claims 2, 4 – 9 depend from, and include all the limitations of independent claim 1, which claim is shown to be allowable for the reasons given above. Therefore, Applicant respectfully submit that dependent claims 2, 4 – 9 are in proper

condition for allowance and request that claim 1, 2, 4 - 9 may now be passed to allowance.

Applicant has herein added a new claim. Claim 20 is dependent upon claim 6, which was shown to be allowable above. Since claim 20 introduces additional subject matter that, particularly when considered in the context of the recitations of claim 6, constitutes patentable subject matter, Applicant respectfully submits that claim 20 is in proper condition for allowance and request that claim 20 may now be passed to allowance.

Conclusion

Applicant respectfully requests that a timely Notice of Allowance be issued in this case. Such action is earnestly solicited by the Applicant. Should the Examiner have any questions, comments, or suggestions, the Examiner is invited to contact the Applicant's attorney or agent at the telephone number indicated below.

Please charge any fees that may be due to Deposit Account 502117, Motorola, Inc.

Respectfully submitted,
Phelps, III William C., et al.

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